

0.2-06-04

Attorney Docket No. 2188 F US

Patent Application



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yoseph Yaacobi ) Group Art Unit: NYA  
Serial No.: 10/706,105 ) Examiner: NYA  
Filed: November 12, 2003 )  
For: Ophthalmic Drug Delivery Device

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Express Mail No. EV 224562638 US

Date: February 5, 2004

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby submits this statement. This submittal is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure.

The Examiner is respectfully requested to fully consider each of the references cited on the attached form PTO/SB/08 and, after such consideration, initial the enclosed Form PTO/SB/08 in the space provided next to each reference. Please return a copy of the initialed Form PTO/SB/08 with the next communication transmitted to the Applicant. A copy of each of the cited references is enclosed with this communication. Any markings, underlines, notations or the like present in any reference are not to be construed as drawing the Examiner's attention to such marking or away from other portions of the reference.

This statement is filed within three months of the filing date of this application pursuant to 37 C.F.R. § 1.97(b), and therefore no fee for the consideration of this statement is enclosed herewith. However, the Commissioner is hereby authorized to charge any amount required for the consideration of this statement to Deposit Account No. 501051 of Alcon, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. David Lee". The signature is fluid and cursive, with the first name "W." and last name "Lee" clearly distinguishable.

W. David Lee  
Reg. No. 39,743

Alcon Research, Ltd.  
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PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/706,105
Filing Date	11/12/2003
First Named Inventor	Yoseph Yaacobi
Art Unit	
Examiner Name	
Attorney Docket Number	2188 F US

Sheet 2 of 4

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
	B1	US-	5,516,522	05/14/1996	Peyman et al.	
	B2	US-	5,632,984	05/27/1997	Wong et al.	
	B3	US-	5,679,666	10/21/1997	Clark	
	B4	US-	5,710,165	01/20/1998	Kapin et al.	
	B5	US-	5,725,493	03/10/1998	Avery et al.	
	B6	US-	5,743,274	04/28/1998	Peyman	
	B7	US-	5,766,242	06/16/1998	Wong et al.	
	B8	US-	5,766,619	06/16/1998	Aiache et al.	
	B9	US-	5,770,592	06/23/1998	Clark	
	B10	US-	5,773,019	06/30/1998	Ashton et al.	
	B11	US-	5,797,898	08/25/1998	Santini, Jr. et al.	
	B12	US-	5,824,072	10/20/1998	Wong	
	B13	US-	5,824,073	10/20/1998	Peyman	
	B14	US-	5,830,173	11/03/1998	Avery et al.	
	B15	US-	5,836,935	11/17/1998	Ashton et al.	
	B16	US-	5,902,598	05/11/1999	Chen et al.	
	B17	US-	5,904,144	05/18/1999	Hammang et al.	
	B18	US-	5,916,584	06/29/1999	O'Donoghue	
	B19	US-	6,001,386	12/14/1999	Ashton et al.	

**FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)					
	B20	WO	96/36377 ✓	11/21/1996	Optonol Ltd.		
	B21	WO	97/14415 ✓	04/24/1997	F. H. Faulding		
	B22	WO	98/23228 ✓	06/04/1998	Alza Corp.		
	B23	WO	98/43611 ✓	10/08/1998	Alza Corp.		
	B24	WO	99/07418 ✓	02/18/1999	Allergan Sales		
	B25	WO	99/11244 ✓	03/11/1999	Control Del Sys		

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet 3 of 4

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		Number-Kind Code <sup>2</sup> (if known)				
	C1	US-	6,074,661	06/13/2000	Olejnik et al.	
	C2	US-	6,110,485	08/29/2000	Olejnik	
	C3	US-	6,126,687	10/03/2000	Peyman	
	C4	US-	6,146,366	11/14/2000	Schachar	
	C5	US-	6,217,895	04/17/2001	Guo et al.	
	C6	US-	6,375,972	04/23/02	Guo et al.	
	C7	US-	6,378,526	04/30/2002	Bowman et al.	
	C8	US-	6,397,849	06/04/2002	Bowman et al.	
	C9	US-	6,413,245	07/02/2002	Yaacobi et al.	
	C10	US-	6,413,540	07/02/2002	Yaacobi	
	C11	US-	6,416,777	07/09/2002	Yaacobi	
	C12	US-	6,669,950	12/30/2003	Yaacobi	
	C13	US-	4,624,848	11/25/1986	Lee	
	C14	US-	2002/188,282	12/12/2002	Greenberg	
	C15	US-	2003/175,324	09/18/2003	Robinson et al.	
	C16	US-				
	C17	US-				
	C18	US-				
	C19	US-				

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	C20	WO 99/32104 ✓	07/01/1999	Alcon Labs		
	C21	WO 99/45920 ✓	09/16/1999	Johns Hopkins		
	C22	WO 00/37066 ✓	06/29/2000	Johns Hopkins		
	C23	WO 00/56340 ✓	03/22/2000	Control Del Sys		
	C24	WO 01/49226 ✓	07/12/2001	Univ of Sydney		
	C25	WO 02/100318 ✓	02/19/2002	Johns Hopkins		

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Sheet

4

of

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**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D1 ✓	"Bausch & Lomb and Control Delivery Systems Agree to Develop Breakthrough Therapeutic Products for Severe Eye Diseases;" Business Wire via First!; NewsEdge Corp.; 06/15/1999; 4 pp	
	D2 ✓	"Method of Placing Irrigation System into Tenon's Space," E.I. SIDORENKO, et al., Abstract of Russian Patent No. RU 2123314, issued 12/20/1998, 1 pg.	
	D3 ✓	"A New method for Posterior Sub-Tenon's Drug Administration," NESTEROV, et al., Ophthalmic Surgery, Vol. 24, No. 1, January 1993, pp. 59-61	
	D4 ✓	DIALOG File 266: FEDRIP database record; Identifying No. 122098; "Implantation of a Sub-Tenon Drug Delivery Device Loaded with a Test Article in Rabbits and Distribution of the Test Article in Ocular Tissues;" Compiled and distributed by NTIS; 1 page; 06/03/1999	
	D5 ✓	DIALOG File 266: FEDRIP database record; Identifying No. 134284; "Implantation of a Sub-Tenon Drug Delivery Device Loaded with a Test Article in Rabbits and Distribution of the Test Article in Ocular Tissues;" Compiled and distributed by NTIS; 1 page	
	D6 ✓	DIALOG File 266: FEDRIP database record; Identifying No. 131476; "Ocular Bioavailability of AL-3789 and AL-4940 after Sub-Tenon's Injection of AL-3789 Ophthalmic Suspensions in New Zealand White Rabbits;" Compiled and distributed by NTIS; 1 page	
	D7		
	D8		
	D9		
	D10		

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